

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

D'SHAUN J. BUTLER,

Petitioner,

v.

WARDEN ERIC BRADLEY,

Respondent.

No. 4:21-CV-00379

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

OCTOBER 29, 2021

D'Shaun J. Butler filed this 28 U.S.C. § 2241 petition challenging the Federal Bureau of Prisons' calculation of Butler's release date from federal custody.¹ On August 23, 2021, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court deny Butler's petition, as Butler failed to exhaust his administrative remedies and the petition is otherwise without merit.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in

¹ Doc. 1.

² Doc. 12.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

part—the findings or recommendations made by the magistrate judge.⁴ After reviewing the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s conclusion that Butler failed to exhaust his administrative remedies and that, therefore, the Court may not consider the petition. Accordingly, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 12), is **ADOPTED**;
2. Butler’s 28 U.S.C. § 2241 petition (Doc. 1) is **DISMISSED** without prejudice for failure to exhaust administrative remedies; and
3. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.